

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAROLYN EGAN, on behalf of herself
and all others similarly situated,
Plaintiff(s),

-against-

MORGAN STANLEY & CO. INCORPORATED,
MORGAN STANLEY, THE INVESTMENT
COMMITTEE OF MORGAN STANLEY, et al.,
Defendant(s).

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STATE OF NEW YORK)
S.S.:
COUNTY OF NEW YORK)

Index No. 07 CV 11285

AFFIDAVIT OF SERVICE

HECTOR FIGUEROA, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 20th day of December 2007, at approximately 2:50 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, CLASS COMPLAINT FOR VIOLATIONS OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT, INDIVIDUAL PRACTICES OF JUDGE ROBERT W. SWEET, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK AND 3RD AMENDED INSTRUCTIONS FOR FILING AND ELECTRONIC CASE OR APPEAL** upon The Investment Committee of Morgan Stanley 401 (k) Plan (f/k/a The Morgan Stanley DPSP/Start Plan) at 1633 Broadway, New York, NY 10019, by personally delivering and leaving the same with Scott Tucker, Executive Director, who informed deponent that he is an agent authorized by appointment to receive service at that address.

Scott Tucker is a white male, approximately 50 years of age, stands approximately 5 feet 10 inches tall and weighs approximately 160 pounds with brown hair and light eyes wearing glasses.



HECTOR FIGUEROA #870141

Sworn to before me this
24th day of December, 2007



NOTARY PUBLIC

HOWARD DANIEL GOLDMAN
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01GO5062405
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES JULY 1, 2010